

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

MAY 4, 2000

Those present were:

Richard Jiskra, Chair	Roger Patterson
Wayne Davis, Member	Glenn Johnson
Don Roberts, Member	Milton Moravek
Joe Hergott, Member	Lynn Heng
Don Larson, Member	Wayne Nicholson
Jim Van Marter, Member	Sadie Nicholson
Roger Korell, Member	Louis Allgayer
Wayne Madsen, Member	Ken Berney
Frank Bartak, Member	Dick Seymour
Richard Mercer, Member	Tom Mountford
Dale Watermeier, Member	Tom Moser
Beverly Donaldson, Member	Paul Zillig
LeRoy Pieper, Member	Jim Cook, Staff
Dayle Williamson, Director	Tom Pesek, Staff
Steve Chick	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order in the conference room of the Lower Platte South NRD in Lincoln, NE, by Commission Chair, Richard Jiskra, at approximately 9:30 a.m.

PUBLIC NOTICE

Notice was placed in the LINCOLN JOURNAL STAR on April 26, 2000, notifying the public of the meeting.

INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Natural Resources Conservation Service Report to the Nebraska Natural Resources Commission and Nebraska Association of Resources Districts, May, 2000.
2. Soil & Water Conservation Fund Report.
3. Nebraska Resources Development Fund Present Financial Status Report.
4. Small Watersheds Flood Control Fund, Status of Fund Report.
5. Natural Resources Enhancement Fund Receipts.
6. Minutes of the Comprehensive Planning Committee Meeting.
7. Water Well Decommissioning Cash Fund.
8. Final Legislative Memo #16 for the 2000 Legislative Session.
9. 2000 Interim Study Resolutions.

MINUTES

Motion was made by Roberts and seconded by Davis to approve the minutes of the March 9, 2000, Commission meeting as distributed. Motion carried.

Aye: Donaldson, Mercer, Watermeier, Pieper, Bartak, Larson, Korell, Madsen, Van Marter, Roberts, Hergott, Davis, Jiskra

Nay: None

Not Present: Hahn, Kramper, Stewart

EXPENDITURES

Motion was made by Davis and seconded by Van Marter to approve the expenditure report for February and March 2000, as distributed Motion carried.

Aye: Donaldson, Mercer, Watermeier, Pieper, Bartak, Larson, Korell, Madsen, Van Marter, Roberts, Hergott, Davis, Jiskra

Nay: None

Not Present: Hahn, Kramper, Stewart

ADVISOR'S COMMENTS

Steve Chick distributed a report from NRCS and reviewed the incentives now being offered within the CRP program. Chick also distributed copies of information regarding the Brownell and Wilson Creek Watersheds. He noted that these are two of the older watersheds in Nebraska and many of the structures are approaching their 50-year lifespan. He added that the information included some pictures showing maintenance needs on structures in those two watersheds. He added that there is pending federal legislation that would provide funds to address at least some of these issues.

DIRECTOR'S REPORT

Dayle Williamson indicated that he and Steve Chick had attended a US House of Representatives Ag Committee meeting in South Dakota earlier in the week. He explained that the hearing dealt with federal ag policy and that 14 Congressmen were in attendance and explained that the Ag Committee is holding a series of these meetings around the country to address ag policy issues.

ENVIRONMENTAL TRUST FUND

Dick Mercer explained that the Environmental Trust Board had approved this year's funding program including 88 new programs, plus funding for some on-going multi-year programs and that the total amount of the grant awards were about 8.9 million dollars.

PLATTE AND REPUBLICAN WATER ISSUES

Jim Cook explained that there were no new developments regarding the Republican Basin. He explained the activities involved with the Cooperative Agreement developments with Colorado, Wyoming, and the federal government. He added that there would be 11 public meetings in June throughout the Platte River Basin to seek public input on the Cooperative Agreement program. He added that the main emphasis of these meetings will be the Water Action Plan, which is intended to improve flows in the Platte River.

Roger Patterson, DWR Director, noted that negotiations between Nebraska and Wyoming on North Platte River issues had proceeded well and that the framework of a potential agreement is being reviewed by water interests in Nebraska and Wyoming. He added that the Nebraska-Wyoming lawsuit is scheduled to begin trial in Pasadena, CA, on May 10.

NRC/DWR MERGER

Dayle Williamson reported that staff of both agencies are working on resolving issues related to the merger of the two agencies and that the physical move of personnel will take place over the next several months.

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LEGISLATION

Jim Cook distributed his final legislative report and copies of resolutions that might be of interest to the Commission. He specifically reviewed LB 957 relating to carbon sequestration, LB 628 relative to copying public records, and LB 1234, which includes a number of subjects such as ethanol, water quality monitoring studies, Niobrara Council and Wastewater Treatment plants. He also distributed copies of several resolutions relating to natural resources issues that will be the subject of interim studies by various committees. He noted that it is likely that little activity or hearings will take place on any of these resolutions before about September.

COMPREHENSIVE PLANNING COMMITTEE

Wayne Madsen reported that the Comprehensive Planning Committee had met on Wednesday afternoon to discuss Comprehensive Planning and Data Bank activities and that a copy of the minutes of the meeting were available for Commission members. Motion was made by Madsen and seconded by Roberts to approve the Comprehensive Planning Committee minutes as distributed. Motion carried.

Aye: Mercer, Watermeier, Pieper, Bartak, Larson, Korell, Madsen, Van Marter, Roberts, Hergott, Davis, Donaldson, Jiskra

Nay: None

Not Present: Kramper, Stewart, Hahn

PROGRAM COMMITTEE

Joe Hergott called on Tom Pesek to review the Resources Development Fund status report. He added that the committee had recommended several actions on Resources Development Fund activities to provide for funding for five projects for the next fiscal year. Motion was made by Hergott and seconded by Pieper that the Commission approve the Lower Platte North NRD's request for an increased allocation of \$117,820.00, increasing the total project allocation from \$494,943.00 to \$612,713.00. Motion carried.

Aye: Watermeier, Pieper, Bartak, Larson, Korrell, Madsen, Van Marter, Roberts, Hergott, Davis, Donaldson, Mercer, Jiskra

Nay: None

Not Present: Kramper, Stewart, Hahn

Motion was made by Hergott and seconded by Van Marter that the Commission reduce the total project allocation for the Wakefield Levee Project from \$317,432.40 to \$262,712.40 (60% of the non-federal cost of \$437,854.00) due to the availability of additional FEMA funds. Motion carried.

Aye: Pieper, Bartak, Larson, Korell, Madsen, Van Marter, Roberts, Hergott, Davis, Donaldson, Mercer, Watermeier, Jiskra

Nay: None

Not Present: Kramper, Stewart, Hahn

Motion was made by Hergott and seconded by Korell that the Commission reduce the total project allocation for the Stevens Creek Watershed Project from \$1,989,929.60 to \$1,777,181.75 (60% of \$2,917,000 + eligible feasibility study cost of \$44,969.58). Motion carried.

Aye: Bartak, Larson, Korell, Madsen, Van Marter, Roberts, Hergott, Davis, Donaldson, Mercer, Watermeier, Pieper, Jiskra

Nay: None

Not Present: Kramper, Stewart, Hahn

Motion was made Hergott and seconded by Mercer that the Commission establish the following components:

NEBRASKA RESOURCES DEVELOPMENT FUND

Project Components and Request for FY 2001 Funds

May 3, 2000

May 3, 2000				
<i>Project</i>	<i>Project Component</i>		<i>Request for FY 2001</i>	
Skull Creek Site 55	4.	Construction	<u>\$431,275.00</u>	
				\$ 431,275.00
Stevens Creek	2a.	Engineering & Design 1 st 5 Structures	\$ 27,750.00	
	2b.	Engineering & Design 2 nd 5 Structures	66,000.00	
	3a.	Land Rights 1 st 5 Structures	<u>225,300.00</u>	
				\$319,050.00
Lower Wood River/ Upper Warm Slough	3.	Relocations – Bridges & Culverts	<u>\$1,000,000.00</u>	
				\$1,000,000.00
Wakefield Levee	4.	Complete R-O-W Acquisition & Construction	<u>\$123,812.00</u>	
				\$ 123,812.00
Powder Creek	1.	Land Rights Acquisition/Legal	\$281,125.00	
	2.	Recreation Facility Engineering	14,300.00	

	3.	Land Rights Acquisition (Relocation)	<u>13,488.00</u>	
				\$ 308,913.00
			Total:	\$2,183,050.00

Motion carried.

Aye: Korell, Madsen, Van Marter, Roberts, Hergott, Davis, Donaldson, Mercer, Watermeier, Pieper, Bartak, Larson, Jiskra

Nay: None

Not Present: Kramper, Stewart, Hahn

Motion was made by Hergott and seconded by Watermeier that the Commission obligate FY 2001 funds as follows:

NEBRASKA RESOURCES DEVELOPMENT FUND				
Project Components and Request for FY 2001 Funds				
May 3, 2000				
<i>Project</i>		<i>Project Component</i>	<i>Request for FY 2001</i>	<i>Total Cost</i>
Skull Creek Site 55	4.	Construction	<u>\$431,275.00</u>	
			\$ 431,275.00	\$ 575,033.33
Stevens Creek	2a.	Engineering & Design 1 st 5 Structures	\$ 27,750.00	
	2b.	Engineering & Design 2 nd 5 Structures	66,000.00	
		Land Rights		

	3a.	1 st 5 Structures	<u>225,300.00</u>	
			\$ 319,050.00	\$ 531,750.00
Lower Wood River/ Upper Warm Slough	3.	Relocations – Bridges & Culverts	<u>\$1,000,000.00</u>	
			\$1,000,000.00	\$1,666,666.67
Wakefield Levee	4.	Complete R-O-W Acquisition & Construction	<u>\$123,812.00</u>	
			\$ 123,818.00	\$ 206,353.33
Powder Creek	1.	Land Rights Acquisition/Legal	\$281,125.00	
	2.	Recreation Facility Engineering	14,300.00	
	3.	Land Rights Acquisition (Relocation)	<u>13,488.00</u>	
			\$ 308,913.00	\$ 475,250.77
		Total:	\$2,183,050.00	\$3,455,054.10

Motion carried.

Aye: Korell, Madsen, Van Marter, Roberts, Hergott, Davis, Donaldson, Mercer, Watermeier, Pieper, Bartak, Larson, Jiskra

Nay: None

Not Present: Kramper, Stewart. Hahn

Hergott called on Little Blue NRD Manager, Mike Onnen, who provided a briefing on the Little Blue NRD Resources Development Fund project proposal on the Little Sandy Creek Watershed project.

Hergott called on Ken Berney who provided a briefing on the Resources Development Fund Stage Creek Project proposal being submitted by the Lower Elkhorn NRD. Nick Johnson of JEO Consulting Firm reviewed the technical details of the proposal.

Hergott called on Wayne Nicholson who voiced his opposition to Weeping water 7g and asked that the Commission withdraw previously obligated funds for that project. Louis Allgayer, a Cass County Commissioner, also expressed his opposition to Weeping Water 7g and that some alternative smaller dam sites ought to be explored to provide flood control for the Weeping Water Watershed.

Hergott noted that the Nemaha NRD had submitted a request for survey assistance on the Turkey Creek project. Lynn Heng, Manager of the Nemaha NRD, explained their request. Motion was made by Hergott and seconded by Larson to approve the request of the Nemaha NRD for survey assistance on the Turkey Creek project and establish the estimate of \$19,250 as the basis for payment by the NRD of 50% of the actual costs or 50% of the estimated cost, whichever is less. Motion carried.

Aye: Korell, Madsen, Van Marter, Roberts, Hergott, Davis, Donaldson, Mercer, Watermeier, Pieper, Bartak, Larson, Jiskra

Nay: None

Not Present: Kramper, Stewart, Hahn

JUNE AND AUGUST COMMISSION MEETINGS

It was noted that the Little Blue NRD had submitted a request to host the August Commission meeting in Hastings. Mike Onnen explained that the NRD would provide a tour of some of the projects in that area for Commission members. It was also noted that the Nemaha NRD had invited the Commission to hold the June meeting in Nebraska City at the Lied conference center. After some discussion, a motion was made by Davis and seconded by Van Marter to hold the June Commission meeting at the Lied Conference Center in Nebraska City and the August Commission meeting in Hastings with the staff to work out the meeting arrangements and other details. It was noted that the hearing on the rule and regulation changes would be at the June Commission meeting in Nebraska City.

NEXT MEETING

The next meeting of the Commission will be June 14-15, 2000 in Nebraska City.

ADJOURNMENT

The meeting was adjourned at approximately 11:35 a.m.

Chairman
Director of Natural Resources